

Therefore, plaintiff's motion to clarify is **GRANTED** and the court's order of October 13, 2005 (Doc. 95) is hereby **AMENDED** to state that Gardner's Title VII discriminatory failure to promote claim remains in this case.

DONE and **ORDERED** this 31st day of October, 2005.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE